

RM 8577

OFFICE OF COMMISSIONER RACHELLE B. CHONG
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554
Telephone: (202) 418-2200
Fax: (202) 418-2820

April 18, 1995

RECEIVED
APR 20 1995
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Jon Blickenstaff
Mayor
City of LaVerne
City Hall
3660 D Street
LaVerne, California 91750

DOCKET FILE COPY ORIGINAL

Re: Cellular Telecommunications Industry Association's Petition to
Preempt State and Local Zoning Regulations

Dear Mayor Blickenstaff:

Thank you very much for your letter about the petition filed by the Cellular Telecommunications Industry Association (CTIA). This petition asks the Commission to begin a rule making proceeding to preempt state and local regulation of tower siting for commercial mobile radio service providers, such as cellular and personal communications service (PCS) companies. I am very interested in this issue, and welcomed the opportunity to hear your thoughts on it.

I certainly understand your concerns about the CTIA petition and its impact on the role of local jurisdictions in the cell siting process. Traditionally, cell siting issues are handled at the local level. By and large, this situation has been appropriate, given that zoning and land use issues involve uniquely local concerns, such as aesthetics and compliance with local building codes or other health and safety codes. I believe local authorities should continue to play a key role in these decisions.

However, as the demand for sites for wireless carriers continues to mushroom, I am also concerned about the ability of wireless providers to build out their networks without undue delay. There are many benefits to having national or regional wireless communications systems -- emergency communication abilities are enhanced, and people use wireless communications to become more efficient and productive. Further, new PCS licensees are paying the U.S. treasury billions of dollars for their licenses, which are regional and national in nature. I think it's fair for the federal government to ensure that these licensees are able to build their facilities throughout their service areas in a timely fashion. Moreover, some carriers complain that some localities may like to put a moratorium on all wireless cell sites in

No. of Copies rec'd _____
List A B C D E

0

certain geographic areas. For this reason, I believe the Commission also has an important role to play in this area to ensure ubiquitous and broad coverage without undue delay.

Having said that, I have not yet made any decisions about the CTIA petition. I believe that the Commission must balance the federal interest in ensuring the development of a competitive, efficient mobile services infrastructure against the legitimate interests of local governments in regulating zoning and land use matters. I am open to considering all options available to the Commission to strike the appropriate balance, and hope that you will work with us to find an acceptable solution for both our concerns.

I appreciate your taking the time to share your concerns with me. I will certainly keep them in mind as we consider the CTIA petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachelle B. Chong", written in a cursive style.

Rachelle B. Chong
Commissioner



CITY OF LA VERNE CITY HALL

3660 "D" Street, LaVerne, California 91750

March 21, 1995

Rachelle Chong
Federal Communications Commission
1919 M Street, N.W.
Washington, DC. 20036

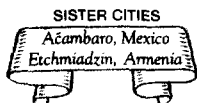
**RE: RM-8577
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION'S
PETITION FOR RULE MAKING**

Dear Ms. Chong:

The City of La Verne strongly opposes Petition RM-8577 to preempt state and local governments from enforcing zoning and other similar regulations with respect to locating and constructing new towers for wireless communication facilities.

Location and construction of cellular towers is a local issue. A cellular tower primarily serves businesses, residents and commuters within a localized radius. Review by local governments ensures that the tower will be located and constructed in a manner that serves the long-term best interest of the community, cellular telephone customers and cellular telephone company. Specifically, the role of local government review is to:

- Minimize visual nuisance if towers are located within or adjacent to residential and other sensitive land uses.
- Maintain minimum setbacks from public streets and adjacent properties.
- Maintain clearance from existing utility easements on or adjacent to proposed tower sites.
- Ensure the provision of adequate utilities to the proposed site.



Opposition to Petition RM-8577
March 21, 1995
Page 2

The City of La Verne looks forward to expansion of cellular phone service within its community. It will be our role to ensure that such expansion is reasonably accomplished and that the public interest is protected. We urge the Federal Communications Commission to deny Petition RM-8577.

Sincerely,


Jon Blickenstaff
Mayor

LTFCC395